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BELL, BOYD & LLOYD, LLC  
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In re Application of  
SCHULZ, EGON  
Application No. 09/914,413  
Filed: August 21, 2001  
For: **METHOD FOR CONTROLLING THE  
DIVISION OF TRANSFER RATES IN A  
CELLULAR RADIO  
TELECOMMUNICATIONS SYSTEM**

DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT

COPY OF  
ORIGINAL MAILED  
6/27/05  
AW  
(7/19/05)

This is a decision on the Petition for Withdrawal of Abandonment, filed May 12, 2005, requesting the holding of abandonment be withdrawn in the above-identified application.

This application was held abandoned for failure to the non-final Office action mailed September 21, 2004. A Notice of Abandonment was mailed April 28, 2005.

Petitioner states that a response was in fact timely filed. To support this assertion, petitioner has submitted a date-stamped copy of a return postcard which acknowledges receipt by the Patent and Trademark Office of a response, request for an extension of time and a check for \$450.00 on February 25, 2005. Petitioner has also submitted a copy of the items.

M.P.E.P. § 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The response is considered timely filed since the post card receipt bears a date of February 25, 2005, more than three months from the mailing of the Office action, where the response includes a petition for two months extension of time and certificate of mailing certifying deposit on February 22, 2005. February 21, 2005 was a federal holiday. Accordingly, the copy of the response is accepted.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application file will be forwarded to the Technology Center's technical support staff for entry of the copy of the response. The original check for \$450.00 cannot be located. Accordingly, the fee (\$450.00) for petition for extension of time for two months will be charged to applicant's Deposit Account No. 02-1818 as set forth in the transmittal accompanying the response. From there, the file will be forwarded to the examiner for appropriate action in due course.

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Kenneth A. Wieder  
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